

## **REMARKS**

In the Office Action, Claims 1-24 are pending. Claims 1-8 and 12-19 stand rejected. In response, Claims 1-11 are amended, Claims 12-24 are cancelled and Claims 25-27 are added. Applicants respectfully request reconsideration of pending claims in view of the above amendments and the following remarks.

### **I. Specification Objection**

Applicant amends the specification to include the indicated headings, but elects to omit the background section. Reconsideration is respectfully requested.

### **II. Claim Objections**

Claims 9-11 and 20-24 are objected to as being in improper form. Claims 9-11 have been amended, and Claims 20-24 have been cancelled. Reconsideration is respectfully requested.

### **III. Claim Rejections Under 35 U.S.C. §112**

Claims 12-19 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement and under 35 U.S.C. §112, second paragraph, as being indefinite. It is asserted in the Office Action that Applicant's specification fails to disclose or teach the structure, material, or acts which are construed to cover the means plus function limitations found in the claims. In addition, Claims 1-8 and 12-19 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite, and specifically for failing to conform to U.S. practice.

In response, Claims 1-8 have been amended and Claims 12-19 have been cancelled. Reconsideration of Claims 1-8 is respectfully requested.

### **IV. Claim Rejections Under 35 U.S.C. §102**

Claims 1-8 and 12-19 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,063,069 to Van Erden, et al. ("Van Erden"). Applicant respectfully traverses this rejection.

Regarding Claim 1, Claim 1 recites:

1. A packaging method comprising:  
providing a bag comprising two main walls, having a mouth including an opening/closing means (30) for multiple successive openings and closings on the one hand and on the other hand, a cleavable linking veil (40), located at a distance therefrom, inside the bag in relation to said opening/closing means (30), introducing contents (100) to be wrapped in the bag, and tightening of the bag in order to close it, tension being applied to said contents (100), said veil (40) entering into contact with the contents (100) to avoid the application of stress on the opening/closing means (30), but guaranteeing free access to the contents (100) via said opening/closing means (30) after tearing of said cleavable linking veil and enabling the bag to relax in a closed state as a result of the distance (D) separating the veil (40) and the opening/closing means (30),  
fixing a U sheet formed using said cleavable linking veil (40) by welding on each of the two main walls of the bag at the distance (D) from said opening/closing means (30).

Van Erden generally relates to a zippered closure for a thermoformed package. In contrast with Claim 1, Van Erden does not disclose fixing a U sheet formed using a cleavable linking veil by welding on each of the two main walls of the bag at the distance of said opening/closing means (30), as in Claim 1. Conversely, Van Erden discloses that an opening/closing means is fixed on a single main wall of the bag 22 or 41 and not on the two main walls 21 and 22 or 40 and 41 (see Figs. 3-8). As a result, Van Erden cannot disclose fixing a U sheet formed by welding on each of the two main walls of the bag at the distance (D) from said opening/closing means (30), as in Claim 1.

Therefore, the Examiner has failed to identify, and we are unable to discern, any portion of Van Erden which discloses wherein said cleavable linking veil (40) is a U-shaped sheet which is fixed by welding on each of the two main walls of the bag at a distance of said opening/closing means (30), as in Claim 1.

For each of the above reasons, therefore, Claim 1 and all claims which depend on Claim 1, are patentable over Van Erden as well as the other references of record. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claims 1-7.

Each of Applicants' other independent claims contains limitations similar to those in Claim 1. Therefore, all of Applicants' other independent claims, and all claims which depend on them, are patentable over the cited art, for similar reasons. Consequently, Applicants respectfully request that the Examiner reconsider and withdraw the §102(b) rejection of Claim 8 and allow new Claims 25-27, based on their dependency from Claim 8.

#### DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

### **PETITION FOR EXTENSION OF TIME**

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on January 10, 2008, Applicant respectfully petitions Commissioner for a one (3) month extension of time, extending the period for response to July 10, 2008. Please charge Deposit Account No. 02-2666 in the amount of \$1050.00 to cover the petition filing fee.

### **CONCLUSION**

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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Dated: July 10, 2008

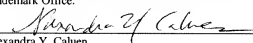
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#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Alexandra Y. Caluen  
2008

July 10,  
2008